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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-------------------------|---------------------|------------------|
| 10/748,926 | 12/30/2003 | Nina Mariah C. Quintana | 1000-1360 | 4351 |

7590 11/29/2005

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EXAMINER

WALK, SAMUEL J

ART UNIT PAPER NUMBER

2632

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | | |
|------------------------------|------------------------|--|--------------------------|--|
| Office Action Summary | Application No. | | Applicant(s) | |
| | 10/748,926 | | QUINTANA, NINA MARIAH C. | |
| | Examiner | | Art Unit | |
| | Samuel J. Walk | | 2632 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Status of Claims

1. In the Amendment dated 09/13/2005, Claims 18-20 have been cancelled; therefore, Claims 1-17 remain pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-4, 6-8, 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garcia (US 2001/0038344) in view of Cardillo (US 6690291).

In reference to Claim 1, Garcia discloses an alarm system responding to presence of an emergency vehicle wherein claimed emergency signal detector met by receiver 14 and claimed emergency transmitter met by transmitter 12, see Fig. 1 and para. [0032]; claimed direction module met by processor 65; see para. [0046]; claimed alarm generator met by display control 67 monitor 42 and approach signalling device 69, see paras. [0047-

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0048]. Garcia does not disclose identifying the type and general location of different kinds of vehicles and stationary targets. However, Cardillo teaches of a vehicle hazard warning system wherein hazardous situation 14 is moving such as an emergency vehicle, school bus, police car, ambulance or stationary such as a construction zone, school zone, accident site, delivery vehicle, repair vehicle, etc., see Col. 3 lns 1-5. Cardillo further teaches different emergency signals can be generated for different types of hazards, see Col. 4 lns 49-54. Also, Cardillo teaches the location of the transmitter 12 associated with the hazard can be determined relative to the motorist's vehicle and output via a directional visual display or an audio message, see Col. 5 lns 45-49. Therefore, one having ordinary skill in the art at the time the invention was made would have incorporated the teachings of Cardillo into the system of Garcia because identifying the type and location of a hazard provides more information to the motorist and thus further increases the safety of motorists on the road.

In reference to Claim 3, Garcia further discloses the signal is generally a radio wave signal.

In reference to Claim 4, it is inherent that a radio wave signal constitutes radar as radar is emitted radio wave signals reflected back to the source and since the claimed invention

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does not utilize the reflected signal and receives the signal at remote location, it is therefore inherent that the radar system is only that of a radio frequency system.

In reference to Claims 6 and 8, Garcia further discloses global positioning system 34 provided for advising the drivers of the non-emergency vehicles of the location of the emergency vehicle emitting an emergency signal, see para. [0041].

In reference to Claims 7 and 11, Garcia disclose location-determining means utilizing GPS system 34. Garcia does not disclose triangulation. However, Cardillo teaches of a hazard signal received by antennas 144, 146 and 148 are triangulated to determine location, see Col. 5 lns 50-55. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made would have incorporated the teachings of Cardillo into the system of Garcia because GPS based systems may not properly work correctly in areas with many and/or tall obstructions of the receipt of satellite signals.

In reference to Claim 12, see above rejection in reference to Claim 1.

In reference to Claims 13-14, Garcia discloses processor 65, monitor 42 and approach signalling device 69 for providing a user the location of the emergency transmission. Garcia does not specifically disclose L, R, F, B, LF, RF, etc. indicia.

However, Cardillo discloses visual display device wherein arrow 160 identifies hazardous situations in front of the vehicle, arrow 162 identifies hazardous situations behind the vehicle, arrows 164 and 166 identify hazardous situations to the left and right of the vehicle, respectively and other arrows 170 identify directions in between the arrows 160, 162, 164 and 166, see Col. 5 lns 56-62 and Fig. 10 (pg. 1 of Drawings). Therefore, one having ordinary skill in the art at the time the invention was made would have incorporated the teachings of Cardillo into the system of Garcia because simplification of visual data in a car allows the driver more time to allot to driving. In addition, it would have been obvious to one having ordinary skill that arrows and alphanumerics such as LF, RB, etc. are functionally equivalent and designers, manufacturers, etc. would select the appropriate indicia based on desired criteria.

In reference to Claim 15, see above rejection in reference to Claim 1.

In reference to Claim 16, see above rejection in reference to Claims 6 and 8.

4. Claims 2, 4, 9 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garcia in view of Cardillo in view of Ewing (US 6822580).

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In reference to Claims 2, 4 and 17, Garcia discloses that signals are radio wave signals but could also be any other air wave signals. Garcia does not specifically disclose optical wave signals. However, Ewing teaches of an emergency vehicle warning system wherein transmitters emit infrared signals, which are in the optical range, see Col. 2 lns 49-58. Therefore, one having ordinary skill in the art at the time the invention was made would have incorporated the teachings of Ewing into the system of Garcia because infrared and optical communication means are functionally equivalent and readily available components.

In reference to Claim 9, Garcia and Ewing disclose location-determining means utilizing GPS system 34. Garcia and Ewing does not disclose triangulation. However, Cardillo teaches of a vehicle hazard-warning system wherein the hazard signal received by antennas 144, 146 and 148 are triangulated to determine location, see Col. 5 lns 50-55. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made would have incorporated the teachings of Cardillo into the system of Garcia and Ewing because GPS based systems may not properly work correctly in areas with many and/or tall obstructions of the receipt of satellite signals.

Response to Arguments

5. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Perez (US 6714127) discloses an emergency warning system for vehicles. Monroe (US 6707391) discloses a supplemental automotive traffic safety apparatus and method. Hartzell (US 5926112) discloses a emergency vehicle warning system.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action

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is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel J. Walk whose telephone number is (571) 272-2960. The examiner can normally be reached on M-F: 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SJW


Thomas J. Mullen, Jr.
Primary Examiner
Art Unit 2632

11-28-05